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15 AUG 2007

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103 Eisenhower Parkway
Roseland NJ 07068

In re Application of :
SNYDER, Randall A. et al. :
Application No.: 10/521,520 :
PCT No.: PCTUS2003/023643 :
Int. Filing Date: 18 July 2003 : DECISION
Priority Date: 18 July 2002 :
Attorney Docket No.: 6783P104 :
For: WIRELESS MESSAGING ADDRESS :
SYSTEM AND METHOD :

This is a decision on applicants' "Petition For Revival of International Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 23 February 2007.

BACKGROUND

On 28 November 2005, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration submitted by applicants was not in compliance as the name of inventor "Mike Pirie" had been changed to "Michael Pirie" and there was not a Recording of a Change (Form PCT/IB306) in the application.

On 12 July 2006, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating the application went abandoned for failure to timely reply to the Notification of Missing Requirements.

On 23 February 2007, applicants submitted this petition to revive accompanied by a declaration executed by "Michael Pirie" listing "Michael Pirie" as the fourth named inventor.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (1), (3) and (4) have been satisfied. Applicants have made the necessary statement and paid the petition fee. A terminal disclaimer is not required as this application was filed on or after 08 June 1995.

Item (2) has not been satisfied. This application went abandoned for failure to timely supply an oath or declaration in compliance with 37 CFR 1.497(a)-(b). By submitting a declaration executed by "Michael" Pirie and not "Mike" Pirie, applicants appear to be indicating that he was improperly identified in the international phase. A petition under 37 CFR 1.182 is the appropriate way to correct this error. See MPEP 605.04(c).

The \$400 fee for a petition under 37 CFR 1.182 and a statement from the inventor stating his name and indicating that the error occurred without deceptive intent on his part are required, if the indication was an error. If his name has changed, then an explanation of the method by which it changed is required.

CONCLUSION

Applicant's petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

A proper response in the form of an oath or declaration in compliance with 37 CFR 1.497(a)-(b) or a petition under 37 CFR 1.182 is required within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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